

FIRST REGULAR SESSION

SENATE BILL NO. 16

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCOTT.

Pre-filed December 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

0236S.011

AN ACT

To repeal section 192.935, RSMo, and to enact in lieu thereof two new sections relating to vision examinations for school children.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 192.935, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 167.195 and 192.935, to read as
3 follows:

167.195. 1. **Beginning July 1, 2008, every child enrolling in**
2 **kindergarten or first grade in a public elementary school in this state**
3 **shall receive one comprehensive vision examination performed by a**
4 **state licensed optometrist, ophthalmologist, physician, or doctor of**
5 **osteopathy. The examination, or a copy of a prior examination if the**
6 **child has previously received a vision examination under this section,**
7 **shall be submitted to the school no later than January first of the first**
8 **year in which the student is enrolled at the school.**

9 2. **The state board of education, in conjunction with the**
10 **department of health and senior services, shall promulgate rules**
11 **establishing the criteria for meeting the requirements of subsection 1 of**
12 **this section, which may include, but are not limited to, forms or other**
13 **proof of such examination, or other rules as are necessary for the**
14 **enforcement of this section. The form or other proof of such**
15 **examination shall include but not be limited to identifying the result of**
16 **the examinations performed under subsection 4 of this section, the cost**
17 **for the examination, the examiner's qualifications, and method of**
18 **payment through either:**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

- 19 (1) Insurance;
- 20 (2) The state Medicaid program;
- 21 (3) Personal injury;
- 22 (4) Complimentary; or
- 23 (5) Other form of payment.

24 3. The department of elementary and secondary education, in
25 conjunction with the department of health and senior services, shall
26 compile and maintain a list of sources to which children who may need
27 vision examinations or children who have been found to need further
28 examination or vision correction may be referred for treatment on a free
29 or reduced cost basis. The sources may include individuals, and federal,
30 state, local government, and private programs. The department of
31 elementary and secondary education shall ensure that the
32 superintendent of schools, the principal of each elementary school, the
33 school nurse or other person responsible for school health services, and
34 the parent organization for each district elementary school receives an
35 updated copy of the list each year prior to school opening. Professional
36 and service organizations concerned with vision health may assist in
37 gathering and disseminating the information, at the direction of the
38 department of elementary and secondary education.

39 4. For purposes of this section, the following comprehensive
40 vision examinations shall be performed:

- 41 (1) Complete case history;
- 42 (2) Visual acuity at distance:
 - 43 (a) Unaided (mono plus binocular);
 - 44 (b) Last prescription or habitual prescription (mono plus
45 binocular);
- 46 (3) External examination, including pupil reactivity;
- 47 (4) Internal examination (ophthalmoscopic examination);
- 48 (5) Retinoscopy;
- 49 (6) Refractive status:
 - 50 (a) Subjective refraction to best visual acuity at distance;
 - 51 (b) Subjective refraction at near;
- 52 (7) Measurement of binocularity, including vergences, phoric, and
53 accommodative ability;
- 54 (8) Color vision screening;
- 55 (9) Glaucoma screening, including tonometry.

56 **5. Findings from the examination shall be kept by the optometrist,**
57 **ophthalmologist, physician, or doctor of osteopathy for a period of six**
58 **years.**

59 **6. For purposes of this section, the office of any optometrist,**
60 **ophthalmologist, physician, or doctor of osteopathy conducting a**
61 **comprehensive vision examination shall contain, in good working**
62 **condition, the following minimum equipment:**

- 63 **(1) Ophthalmoscope;**
64 **(2) Retinoscope or its equivalent;**
65 **(3) Tonometer;**
66 **(4) Visual Field Testing Device;**
67 **(5) Color Vision Testing Device;**
68 **(6) Keratometer or its equivalent;**
69 **(7) Biomicroscope;**
70 **(8) Lenses for subjective testing;**
71 **(9) Blood pressure measuring device.**

72 **7. In the event that a parent or legal guardian of a child subject**
73 **to this section shall submit to the appropriate school administrator a**
74 **written request that the child be excused from taking a vision**
75 **examination as provided in this section on the grounds of religious**
76 **beliefs, that child shall be so excused.**

77 **8. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

78 **(1) The provisions of the new program authorized under this**
79 **section shall automatically sunset four years after the effective date of**
80 **this section unless reauthorized by an act of the general assembly; and**

81 **(2) If such program is reauthorized, the program authorized**
82 **under this section shall automatically sunset eight years after the**
83 **effective date of the reauthorization of this section; and**

84 **(3) This section shall terminate on September first of the calendar**
85 **year immediately following the calendar year in which the program**
86 **authorized under this section is sunset.**

192.935. 1. There is hereby created in the state treasury the "Blindness
2 Education, Screening and Treatment Program Fund". The fund shall consist of
3 moneys donated pursuant to subsection 7 of section 301.020, RSMo, and
4 subsection 3 of section 302.171, RSMo. Unexpended balances in the fund at the
5 end of any fiscal year shall not be transferred to the general revenue fund or any
6 other fund, the provisions of section 33.080, RSMo, to the contrary

7 notwithstanding.

8 2. Subject to the availability of funds in the blindness education, screening
9 and treatment program fund, the department shall develop a blindness education,
10 screening and treatment program to provide blindness prevention education and
11 to provide screening and treatment for persons who do not have adequate
12 coverage for such services under a health benefit plan.

13 3. The program shall provide for:

14 (1) Public education about blindness and other eye conditions;

15 (2) Screenings and eye examinations to identify conditions that may cause
16 blindness; [and]

17 (3) Treatment procedures necessary to prevent blindness;

18 **(4) Any additional costs for vision examinations under section**
19 **167.195, RSMo, that are not covered by existing public health**
20 **insurance. Subject to appropriations, moneys from the fund shall be**
21 **used to pay for those additional costs, provided that the costs do not**
22 **exceed ninety-nine thousand dollars per year. Payment from the fund**
23 **for vision examinations under section 167.195, RSMo, shall not exceed**
24 **the allowable state Medicaid reimbursement amount for vision**
25 **examinations.**

26 4. The department may contract for program development with any
27 department-approved nonprofit organization dealing with regional and community
28 blindness education, eye donor and vision treatment services.

29 5. The department may adopt rules to prescribe eligibility requirements
30 for the program.

31 6. No rule or portion of a rule promulgated pursuant to the authority of
32 this section shall become effective unless it has been promulgated pursuant to the
33 provisions of chapter 536, RSMo.

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